

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) :	Moszner et al.)	Examiner:
)	Tac H. Yoon
Serial No. :	10/658,993)	
)	Art Unit:
Cnfrm. No. :	3705)	1714
)	
Filed :	September 10, 2003)	
)	
For :	POLYMERIZABLE BICYCLIC)	
	CYCLOPROPANE DERIVATIVES AND)	
	THEIR USE FOR THE PREPARATION OF)	
	DENTAL MATERIALS)	
)	

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND PATENT APPLICATION**

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Ivoclar Vivadent AG, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, filed prior to the grant of any patent granted on pending second U.S. Patent Application Number 11/200,488, filed on August 9, 2005. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the

second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

Please charge the \$130 terminal disclaimer fee under 37 CFR § 1.20(d) to Deposit Account No. 14-1138. Any additional fees or any overpayment can be charged/credited to Deposit Account No. 14-1138.

Respectfully submitted,

Date: October 29, 2007

/Joseph M. Noto/

Joseph M. Noto

Registration No. 32,163

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1601
Facsimile: (585) 263-1600